

### **REMARKS**

The non-final Office Action of September 25, 2007, has been reviewed and these remarks are responsive thereto. By this amendment, claims 1-46 and 48-59 have been amended to clarify their scope, no claims have been canceled, and no new claims have been added. Claims 1-46 and 48-61 remain pending in the instant application. Reconsideration and allowance of this application are respectfully requested.

Preliminarily, Applicant acknowledges with appreciation the indication that the application contains allowable subject matter. Specifically, claims 1-42 were deemed allowable. Although each of the claims 1-42 has been amended, the bulk of these amendments are to form only, in order to reword and/or clarify the claim scope or features, and it is believed that each of these claims remains allowable over the art of record. Additionally, for reasons explained in more detail below, Applicant also believes the remaining claims 43-46 and 48-61 are allowable as well.

#### ***Rejections under 35 U.S.C. §112***

Claims 43-46 and 48-61 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement with respect to the term “storage medium,” recited in independent claims 43, 44, and 50-55. Initially, Applicant notes that claims 58-59 and 60-61 depend respectively from apparatus claim 2 and method claim 34, neither of which recites a storage medium. Applicants thus request withdrawal of the rejections under 35 U.S.C. §112, first paragraph, with respect to claims 58-61.

With respect to claims 43-46 and 48-57, the Office Action alleges that “[t]he original disclosure supports only a statutory hardware system/method (i.e., mobile communications device) with only a brief mention that such hardware system/method is performed by various combinations of software and hardware... Hence, the storage medium described in independent claims 43 and 50-55 are not adequately supported in the original disclosure.” Office Action, page 2. Applicant respectfully traverses.

First, even assuming, without conceding, that Applicant’s original disclosure only provided “a brief mention” of storage media having instructions for performing the invention using software components, that is nonetheless sufficient for enabling one of skill in the art to

make and use the invention. Taking into consideration the filing date of the instant application and the concepts of software development that were well-known at that time, Applicant submits that even a simple disclosure that describes specific storage media and software components sufficiently supports and enables the term “storage medium,” as recited, and as would be understood by someone of ordinary skill in the art. In other words, even a brief mention would permit one of skill in the art to use a “storage medium” to practice the invention without undue experimentation. MPEP § 2164.01.

Second, the Applicant disagrees with the Examiner’s characterization of the original disclosure as only a “brief mention” of storage media or performing methods by combinations of hardware and software. The Office Action appears to refer only to paragraph [0028] of the specification as originally filed, which describes RAM/ROM and flash memories as storage media, and discloses a microprocessor receiving instructions from a keypad. However, Figure 6 and paragraph [0033] of the original disclosure describes the creation and execution of software components in greater detail. For example, as stated in paragraph [0033], “[i]n accordance with a program stored in program memory 152, processor 150 determines whether the received caller identification signal is the same as any caller identification signal stored with data memory 154.” The additional portions of paragraph [0033], as well as paragraph [0045], the Abstract, and claims 43-55 as originally filed provide additional enabling disclosures with respect to the term “storage medium.” Further, the specification as originally filed on page 1 incorporates by reference U.S. Patent No. 4,582,956 (Doughty). Doughty also provides an enabling disclosure for a storage medium having software instructions, for example, at col. 8, lines 55-66, col. 9, lines 56-67, and col. 10, lines 10-14. Accordingly, Applicants submit that the “storage medium” recited in claims 43, 44, and 50-55 is fully supported and enabled by the original disclosure as filed.

For the reasons stated above, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 112, first paragraph, or alternatively that the Examiner meet “the initial burden to establish a reasonable basis to question the enablement provided for the claimed invention.” MPEP § 2164.04.

**CONCLUSION**

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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